

STATE OF NEW HAMPSHIRE
PUBLIC UTILITIES COMMISSION
BULK POWER SUPPLY FACILITY SITE EVALUATION COMMITTEE

New England Hydro-Transmission Corporation
DSF 85-155

Application of New England Hydro-Transmission Corporation for a
Certificate of Site and Facility to Construct, Operate and
Maintain an Electric Transmission Line in Grafton, Merrimack,
Hillsborough, and Rockingham Counties

STIPULATION

New England Hydro-Transmission Corporation, the Applicant herein, (hereinafter the "Company"), the Powerline Awareness Campaign, an intervenor herein, (hereinafter "Campaign"), and the Attorney General of The State of New Hampshire, a statutory party to this proceeding pursuant to RSA 162-F:9, (hereinafter "Attorney General"), submit the following stipulation to the Public Utilities Commission ("PUC") and Bulk Power Supply Facility Site Evaluation Committee ("SEC"):

1. This Stipulation is submitted to the PUC and SEC by the Company and Campaign in full and complete settlement between them of all issues that have been or could have been raised in this proceeding. Company and Campaign are satisfied that this Stipulation represents a reasonable resolution of the issues presented by this proceeding based upon the record and the evidence before the PUC and SEC herein. The parties have had full opportunity to obtain, and have had full and complete advice of counsel, with respect to this Stipulation. Company and Campaign agree that the Company may be granted a Certificate of Site and Facility for the Project, as requested in its Application, as amended, and all other licenses, permits or approvals by state agencies having jurisdiction, subject to the conditions set forth in Exhibits A through D attached hereto. Company and Campaign recognize that their agreement does not bind the SEC, the PUC or other state agencies having jurisdiction, but submit this Stipulation as fully expressing those terms and conditions which they recommend as conditions to the Certificate

of Site and Facility in the event that such a Certificate is issued.

The Attorney General agrees that the Company may be granted a Certificate of Site and Facility as requested in its application, as amended, subject to the conditions set forth in Exhibits A through D attached hereto and subject to such further conditions relating to issues arising under RSA 162-F:8(II)(a) as may be set forth in a further stipulation reached between the Company and the Attorney General to be submitted to the SEC and PUC, or as may be set by the Public Utilities Commission after considering the recommendations of the Attorney General and the Company in their respective briefs. Nothing in this agreement shall be construed as a waiver of Company's right to dispute recommendations of the Attorney General in its brief.

2. Company shall conduct a monitoring study concerning static electric and magnetic fields and ion levels as set forth in Exhibit A, hereto.

3. Company shall undertake an investigation of the feasibility of a long-term epidemiological study as set forth in Exhibit B hereto.

4. Company shall fulfill the mitigation requirements of Exhibit C hereto during the final design of the Project.

5. Company shall report, on a calendar-year basis by May 21 of the following year, to the Public Utilities Commission the nature and resolution of all visual, noise and health-related complaints made to it in any way related to the direct current transmission line for the period before and five (5) years after the proposed transmission line is first energized. Such reports of such complaints, their nature and manner of resolution shall be available for public inspection.

6. Company agrees that commencement of construction (as defined in RSA 162-F:2 (VI)) of the Project shall not take place until the required United States and New Hampshire government permits and approvals necessary for such commencement of construction are obtained.

7. Company agrees to adopt the mitigation measures set forth in Exhibit D hereto.

Respectfully submitted,

NEW ENGLAND HYDRO-TRANSMISSION CORPORATION


By Its Attorneys:

ORR AND RENO PROFESSIONAL ASSOCIATION

One Eagle Square, P.O. Box 709

Concord, New Hampshire 03301-0709

By:


Richard B. Couser

POWERLINE AWARENESS CAMPAIGN

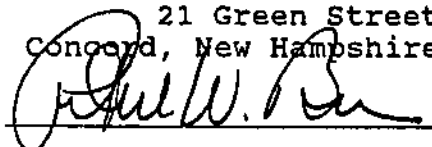
By Its Attorneys:

BROWN, OLSON & WILSON

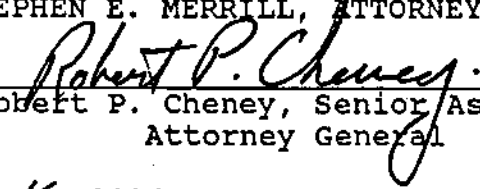
21 Green Street

Concord, New Hampshire 03301

By:


STEPHEN E. MERRILL, ATTORNEY GENERAL

By:


Robert P. Cheney, Senior Assistant
Attorney General

DATED: September 16, 1986

EXHIBIT A

By January 31, 1987, New England Hydro-Transmission Corporation ("Company") shall identify two (2) or more independent organizations, with notice to the Bulk Power Supply Facility Site Evaluation Committee ("SEC"), the Attorney General's Office and Campaign that are qualified to perform a monitoring study designed to provide (1) detailed and comprehensive measurements of existing ambient air ion concentrations and static electric and magnetic field levels at various distances from the centerline of the Phase II right-of-way under various wind and weather conditions, and (2) detailed and comprehensive measurements of air ion concentrations and static electric and magnetic field levels at various distances from the Phase II conductors under various wind and weather conditions after the Project is energized..

The Company shall, no earlier than sixty (60) days following the notice of identification of the independent organization described in the preceding paragraph, select one of the independent organizations to perform the monitoring study and notify SEC, Campaign and the Attorney General of the selection. The independent organization selected by Company shall prepare a plan of study setting forth the manner in which it proposes to perform the monitoring study set forth herein. Company shall provide the plan of study to the SEC, Attorney General and Campaign at least sixty (60) days prior to commencing the monitoring study. Company shall consider comments, if any, on the plan of study by the Attorney General or Campaign during the sixty- (60-) day period. Studies related to existing ambient static electric and magnetic fields and ion level monitoring shall be performed for a period equal to at least one (1) full year prior to energizing of the Phase II line. After the Phase II line is energized, the studies of ambient air ion levels and static electric and magnetic field concentrations shall be conducted for a period of no less than two (2) consecutive years.

Periodic results of the monitoring study shall be made available to the SEC, Attorney General and Campaign and to the

public libraries in which the transcripts in DSF 85-155 have been filed, not less frequently than annually. All costs of the monitoring study shall be borne by the Company, provided, however, that the Company shall not be obligated to expend in excess of \$750,000.00 to meet its obligations to conduct the monitoring study described in this Exhibit A.

"Independent" for purposes of this Exhibit A shall mean any organization other than the Applicant, its parent and affiliated companies, and utility participants in the Project and their affiliated companies. No organization shall be deemed not "independent" by virtue of past, present or prospective future contractual relationships with the Applicant or its parent or affiliated companies or utility participants in the Project or their affiliated companies. The High-Voltage Transmission Research Facility of Lenox, Massachusetts is independent for purposes of this Exhibit A.

Any disputes arising under this Exhibit A shall be resolved by the SEC. The SEC may delegate its functions hereunder to any agency or department of the State represented by it. In the event the SEC should cease to exist due to legislative changes, its functions hereunder shall be performed by its successor agency, if any, and if not, by the Public Utilities Commission or an agency designated by it.

EXHIBIT B

Within three (3) months after the date of the issuance of a Certificate of Site and Facility in DSF 85-155, or March 1, 1987, whichever date is later, the Company shall submit to the SEC (or an agency designated by the SEC) with copies to the Attorney General's Office and Campaign its recommendations concerning the composition of a panel of not less than three (3) nor more than seven (7) independent scientists to review a study of the feasibility of performing a human epidemiological study concerning the effects on human health of exposure to air ions generated by the Phase II ± 450 kV dc powerline. One or more members of the panel shall be qualified in the field of epidemiology. The membership of this panel shall be approved by the SEC (or an agency so designated by the SEC). Approval shall be deemed to have been given by SEC if no objection is made by the SEC, Attorney General or Campaign within thirty (30) days of written notice of the composition of the panel by Company.

Within three (3) months after approval of the membership of the independent scientific panel, Company shall submit to the panel for approval a design for studying the feasibility of conducting a human epidemiological investigation including identification of an independent contractor or contractors through whom it proposes to conduct the feasibility study. Copies of said design shall be sent to the SEC, Attorney General and Campaign. The feasibility study to be addressed by this design shall include, but not be limited to, analyzing the feasibility of preparing a time series designed epidemiological survey, defining the control group to be studied, and establishing procedures for controlling and monitoring exposure of the control group. This survey could require multiple determinations over a period of time, some of which would need to be conducted before the line is energized in order to obtain before-and-after exposure data. This feasibility study shall include an analysis of the feasibility of selecting accurate endpoints in order to ensure that all data obtained will be reliable and valid. Included in this anal-

ysis shall be an evaluation of the reliability of subjective self-reported symptoms by exposed individuals and an assessment as to whether the study would require invasive techniques (e.g., physical examination, blood tests, urine samples, etc.) and, if so, the feasibility, as well as the advantages and disadvantages of utilizing such techniques. The feasibility study design shall also address the bearing of the results of the monitoring study described in Exhibit A on the usefulness and cost effectiveness of a human epidemiological study. The feasibility study shall consider, as an element of feasibility, the question of whether the useful information expected to be obtained from a human epidemiological study is sufficient to justify the anticipated cost of such a study.

Upon approval of the design by a majority of the panel (which shall occur within three (3) months of submission of the design to panel by the Company), Company shall conduct (by one or more independent contractors) and submit to the panel the approved feasibility study with copies to the SEC, Attorney General and Campaign. The feasibility study shall be completed and submitted to the panel within nine (9) months following approval of the design by the panel.

If the results of this feasibility study indicate that such an epidemiological study is feasible, and the panel concurs, the Company shall evaluate the cost and operational characteristics of an epidemiological survey and, if deemed appropriate by the Company, and within sixty (60) days from the date of panel concurrence, present reasons why the Company believes the study would be uneconomical or otherwise not feasible at this time. Copies of such presentation shall be provided to the panel, the SEC, Attorney General and Campaign. The panel shall, within thirty (30) days, review the Company's presentation and make a final recommendation to the SEC with copies to the Attorney General, Campaign, and to the public libraries in which transcripts of the proceedings in DSF 85-155 have been filed.

Nothing in this Exhibit shall be construed so as to obligate the Company to conduct the human epidemiological study should it be deemed feasible by the panel.

The Company shall use reasonable efforts to monitor developments in laboratory research related to or concerning air ion and magnetic field exposure in dc transmission line environments until five (5) years after the Project is first energized. The Company shall by May 21 of each year while this monitoring program is required report to the SEC new developments identified in this monitoring program with copies to the Attorney General and Campaign.

All costs associated with compliance with this Exhibit B shall be borne by the Company, provided, however, that the Company shall not be obligated to expend in excess of \$500,000.00 (excluding Company's internal costs) to meet its obligations under this Exhibit B.

The SEC may delegate its functions hereunder to any agency or department of the state represented by it. In the event the SEC should cease to exist due to legislative changes, its functions hereunder shall be performed by its successor agency, if any, and if not, by the Public Utilities Commission or an agency designated by it.

EXHIBIT C

During the final design of the Project, the Company shall implement the mitigation measures set forth in section 3 of the Environmental Report attached to Exhibit D in sensitive areas (e.g., moderate to high visual impact, active agricultural operations, wetlands) through or adjacent to which the Phase II transmission line will be located.

Any person aggrieved by the Company's implementation, or lack of implementation, of these specific mitigation measures may notify the Company in writing. Company agrees to make a good faith effort to resolve such grievances.

The Company shall, prior to "commencement of construction" (as defined in RSA 162-F:2 (VI)), of the Project give a one-time notice, by regular mail, to abutters of the Project (as identified on Company's mailing list of abutters) of the provisions of this Exhibit C and Exhibit D and file a copy in the public libraries in which transcripts of the proceedings in DSF 85-155 have been filed.

EXHIBIT D

CONSTRUCTION, OPERATION AND MAINTENANCE MITIGATION MEASURES

During the course of construction, operation and maintenance of the Phase II transmission line, the Company shall comply with the following conditions designed to mitigate any potential adverse impact of the project on the environment:

(A) Herbicide Applications

- (1) Notwithstanding the provisions of subparagraphs (A)(2) through (7) hereof, the Company shall only use herbicides registered and approved by the New Hampshire Division of Pesticide Control and shall comply with all conditions of any permit issued thereby, and all other appropriate regulations concerning the storage, use and disposal of such herbicides;
- (2) The Company shall selectively apply such herbicides to individual plants and shall not conduct aerial spraying or soil treatment along or adjacent to the Phase II right-of-way;
- (3) Under no circumstances will the Company apply herbicides to active agricultural areas within the Phase II right-of-way;
- (4) The Company shall not use herbicides within 400 feet of any public gravel packed well, within 250 feet of any other type of public well, nor within 50 feet of any private well.
- (5) The Company shall not use herbicides except for cut stump treatments within 10 feet of any surface water body without the prior approval of the N.H. Division of Pesticide Control;
- (6) Any herbicide application company applying herbicides to the right-of-way must be registered with the New Hampshire Division of Pesticide Control and at least one member of the firm must have supervisory certification. At least one

operational certified person must be present on the crew that is actually in the field applying the herbicides;

- (7) The Company may modify the procedures set forth in (A)(2) through (6) above upon notice to the SEC provided that such modification does not violate any applicable law or regulation or permit issued by the Division of Pesticide Control and is consistent with good practices to protect the public health at the time of modification. The conditions set forth in paragraphs (A)(2) through (6) above shall be binding only until December 31, 1997.

(B) Visual Resources

- (1) The Company shall consult with interested property owners adjacent to the right-of-way concerning reasonable methods to minimize any adverse visual impacts from the proposed line, including, but not limited to, the planting of shrubs, where feasible, and taller growing vegetation on the right-of-way where visual benefits could be gained;
- (2) Where vegetation clearing is required for the construction, operation or maintenance of the line, the Company will selectively clear vegetation where feasible adjacent to highways or in the vicinity of dwellings where visual benefits could be gained;
- (3) The Company will endeavor to take all steps reasonably necessary in the placement of structures to minimize visual impacts on residential areas;
- (4) The Company shall remove all construction roads not required for maintenance of the line and wherever reasonably possible, the Company shall locate access roads away from residential areas.

(C) Other